

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

_____)	
THERMO FINNIGAN LLC,)	
)	
Plaintiff and)	
Counterclaim Defendant,)	
)	
v.)	Civil Action No.: 04-1505-GMS
)	
APPLERA CORPORATION,)	
)	
Defendant and)	
Counterclaim Plaintiff.)	
_____)	

STIPULATED AMENDED SCHEDULING ORDER

IT IS HEREBY STIPULATED, by and between counsel for the parties, subject to the approval of the Court, that the May 9, 2005 Scheduling Order be amended as follows;

5. **Discovery.** All discovery in this case shall be initiated so that it will be completed on or before June 16, 2006. Expert Discovery in this case shall be initiated so that it will be completed on or before September 1, 2006.

8. **Summary Judgment Motions.** Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief shall be no longer than five (5) pages and shall be filed with the Court no later than September 8, 2006. Answering letter briefs shall be no longer than five (5) pages and filed with the court no later than September 15, 2006. Reply letter briefs shall be no longer than three (3) pages and filed with the Court on or before September 20, 2006. The Court shall hold a

status conference by telephone to hear argument and to determine whether the filing of any motion will be permitted on September 27, 2006 at 1:00 p.m.

Unless the Court directs otherwise, no letter requests to file a motion for summary judgment may be filed at a time before the dates set forth in paragraph 8.

9. **Case Dispositive Motions.** Should the Court permit the filing of summary judgment motions an opening brief and affidavits, if any, in support of the motion shall be served and filed on or before October 10, 2006. Answering briefs shall be served and filed on or before November 7, 2006. Reply briefs shall be served and filed on or before November 21, 2006. If there is no decision at the September 27, 2006 teleconference as to permitting summary judgment motions, this schedule shall be altered so as to commence briefing two weeks following the Court's decision, with answering briefs and reply briefs to be served and filed no later than four weeks and six weeks, respectively, after the service and filing of the opening briefs. Parties must submit an original and two (2) copies.

12. **Status/Daubert Conference.** The Court will not hold a separate teleconference on Daubert issues. The parties will be prepared to address any Daubert issues at the time of the pretrial conference.

13. **Pretrial Conference.** On February 20, 2007, the Court will hold a Pretrial Conference in Chambers with counsel beginning at 10:00 a.m.

Except as revised hereby the Scheduling Order dated May 9, 2005 shall remain in full force and effect.

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APPROVED and SO ORDERED this _____ day of March, 2006.

UNITED STATES DISTRICT JUDGE

Addendum to Scheduling Order
Civil Action No. 04-1505-GMS

Event	Proposal for No. 04-1505
Fact Discovery	
Completion of Fact Discovery	June 16, 2006
Expert Discovery	
Opening Expert Reports (burden of proof)	July 14, 2006
Answering Expert Reports	August 11, 2006
Completion of Expert Discovery	September 1, 2006
Dispositive Motions	
Letter Briefs Seeking Permission	Opening: 9/8/06 Response: 9/15/06 Reply: 9/20/06
Hearing Concerning Permission to File Summary Judgment Motions	September 27, 2006 at 1:00 p.m.
Summary Judgment Briefing	Opening: 10/10/06 Response: 11/7/06 Reply: 11/21/06
Summary Judgment Hearing	at Court's discretion
Trial Phase	
Motions in Limine	Opening: 1/19/07 Response: 1/26/07 Reply: 2/1/07
Submission of Joint Proposed Pretrial Order	Jan. 22, 2007
Pretrial Conference	Feb. 20, 2007 10 a.m.
Trial	Mar. 19, 2007